

Application Serial No. 10/008,772

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Applicant thanks the Examiner for his findings and conclusions.

It should be appreciated that Applicant has elected to amend Claim 11 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

Amendments herein to Claim 11 were not made for any reason related to patentability. As for Claim 11, changes were implemented to conform with standard claim drafting practices. The foregoing amendment is not related to the pending rejections; all amendments were made for reasons other than patentability.

In compliance with 37 C.F.R. § 1.121, text of withdrawn Claims 1-10 and 16-20 is provided in the listing of the claims.

Claims 11, 12, 14, 15 and 21-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent application no. 2002/0147656 (hereinafter "Tam"). Respectfully, the Applicant disagrees. Claim 11 as amended herein recites the limitation of an advertising system, configured to generate and record commerce metrics for tracking the effectiveness of advertising. Support for this limitation can be found, for example, at p. 12, line 8 through p. 13, line 2, and Fig. 3.

Tam discusses a system with an aggregator for publishing a catalog comprising listing from a variety of sources, and a clearinghouse for assisting with the ordering process. Nothing in Tam mentions or suggests "an advertising system, configured to generate and record commerce metrics for tracking the effectiveness of advertising," as recited by claim 11.

Application Serial No. 10/008,772

Claims 12, 14, 15 and 21-23 depend upon claim 11, and are thus allowable for at least the same reasons.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being anticipated by a hypothetical combination of Tam and limitations that the Examiner asserts are well known. Applicant respectfully traverses this rejection. However, in view of the above described difference between parent Claim 11 and the cited are, the current rejection of Claim 13 is deemed to be moot.

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections and objections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, he is respectfully urged to contact Applicant's attorney at (650) 474-8400.

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Respectfully submitted,



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